

**Hertfordshire Independent Use of Force
Scrutiny Panel
Annual Report 2023/24**



**Police & Crime
Commissioner**
FOR HERTFORDSHIRE

Chair's Foreword



I am privileged to present the 2023/24 Hertfordshire Independent Use of Force Scrutiny Panel annual report to you. I am also honoured to have been re-appointed as Chair for a second term covering the 2024/25 period.

We continue to have a strong panel with 29 members which enables us to split into two subgroups to increase the number of use of force body worn video incidents we scrutinise.

The diversity of panel members around age, ethnicity and lived experience continues to be an opportunity for improvement. There are activities planned to help address this such as a mock panel and wider more targeted communications. I'd encourage anyone reading this annual report to consider joining us or letting their friends and relatives know about the panel.

This year, I am pleased to say we have been able to increase the number of incidents we review and although this is a small percentage of the overall number of use of force incidents with targeted deep dives on specific themes, the panel remains confident that overall, use of force by Hertfordshire Constabulary is lawful, proportionate and justified. (Please see the data analysis reports below.)

When we do have concerns there is now a well-established feedback loop to ensure these are followed through with the officers concerned, any appropriate action is taken, and the panel is then told the outcomes to complete the feedback loop. This has worked well and there have been examples of positive changes in behaviour because of the work of the panel. This process is also used as a positive feedback loop where we see excellent work by officers. We understand this is received well by the officers concerned.

One area where we saw significant improvement is when we struggled at times to obtain a written statement from officers. Statements help us better understand the wider context of the use of force incident and not just rely on the video. This was recognised by Hertfordshire Constabulary and they amended their policy to ensure a statement is mandatory for all use of force incidents. Since January 2024 this had greatly improved our ability to obtain written statements to support our scrutiny work.

In other areas we have made good progress over the last 12 months, for example well attended training opportunities for panel members, reviewing use of force incidents in custody suites, and continuing deep dives into thematic areas. As a result, the latest His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) PEEL inspection report recognised that Hertfordshire has effective independent scrutiny panels.

The support and transparency by Hertfordshire Constabulary to the panel continues to be outstanding. We have an excellent working relationship where we trust each other and can be frank and honest with each other in all conversations. This is so important if we are to continue to see improvements in how the Police use force and further progress in public trust and legitimacy in the Police.

Finally, I would like to thank the panel and the staff of the OPCC for their dedication and hard work over the last 12 months and in particular the support they have given to me in performing my role as Chair.

Chris Cowdrey

Chair of the Hertfordshire Independent Use of Force Scrutiny Panel

Police and Crime Commissioner's Foreword



Effective scrutiny of use of police powers is vital and I am pleased, since being elected Police and Crime Commissioner for Hertfordshire, to see the robust measures our county has in place to scrutinise what are necessary but ultimately coercive powers.

Opening up how Hertfordshire Constabulary uses force to independent scrutiny is important because transparency reinforces police legitimacy and protects the public's confidence in the police. Communities throughout our county should be reassured by the Panel's findings this year, which show that a vast majority (92%) of use of force incidents it scrutinised were entirely lawful, proportionate and justified.

We should also be encouraged by the fact the panel has an effective and well-established feedback loop with the Constabulary. This means that when the Panel does raise concerns, its work has a direct and positive impact on individual officer conduct and wider organisational learning which improves policing policy and practice. It is clear that the Constabulary value the work of the Panel and I have been impressed by the transparent and professional working relationship that they have established.

In what is its second annual report, I am pleased to see that the Panel has made such excellent progress in the breadth and depth of its scrutiny activity. The Panel has worked hard to increase the totality of use of force incidents it reviews through body worn video and officer statements, boosting the volume of incidents scrutinised by 22% compared to last year. It has also continued to widen its scrutiny remit, reviewing more use of force incidents via custody suite CCTV in line with HMICFRS' custody inspection recommendations.

The coming year promises to be another year of progress for the Panel as it continues to strengthen its already robust scrutiny function.

I would like to thank panel members for volunteering their time to the important work of the Use of Force Scrutiny Panel. I look forward to working with our Panel members to further enhance their scrutiny of officers' use of force in Hertfordshire and the vital support they provide to me in discharging my statutory duties.

Jonathan Ash-Edwards

Police and Crime Commissioner for Hertfordshire

Hertfordshire Constabulary's Foreword



As the Senior Officer responsible for the oversight of the Use of Police Powers, I am pleased to note another positive annual report from the Use of Force Scrutiny Panel. The work of the panel provides vital independent scrutiny and oversight of the Constabulary's use of our powers to use force, when necessary and legal, as we discharge our duties to prevent crime and protect the public.

Whilst the use of force is often necessary in fighting crime and keeping people safe, using any force is not without risk in terms of public confidence. Indeed, the misuse or disproportionate use of any power to use force can negatively impact on communities and policing legitimacy.

Whilst we have no targets in relation to the use of force and the range of force can span from simply restraining someone with handcuffs to the deployment of Armed Officers in the extreme, I am pleased to note that we continue to work to ensure we only use force when legal, proportionate and necessary. I am also pleased to note that the panel found this to be the case in 92% of cases they reviewed in the past year, noting a small reduction in the number of times force was used over the same period.

Finally, it is important to note that the work of the panel does not operate in a vacuum, indeed when the panel meets, we have in attendance supervisors and operational officers and a member of the training team whose presence allows the panel to ask questions to inform its decision-making. This also allows operational officers to see the work of the panel, feed back to their peers and inform and improve operational practice and training.

We are lucky to have the panel in place, acting as an independent 'critical friend' representing the communities of Hertfordshire and holding the Constabulary to account. I look forward to continuing this work with the panel in the coming year.

Chief Superintendent Dean Patient

Chair of Hertfordshire Constabulary's Police Powers Board

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EXECUTIVE SUMMARY

Key findings

- In Hertfordshire in 2023/24, a total of 12,719 use of force records were completed, accounting for 7,872 incidents.¹ On last year, this represents a decrease of 1.2% in the volume of use of force records completed and a 1.7% decrease in total incidents.
- The most common outcome in use of force incidents this year was arrest of the individual involved, accounting for 63% of use of force records.
- This year the Panel scrutinised 72 use of force incidents, averaging 12 per meeting. This exceeds its average last year which was just below 10 incidents per meeting. Over the course of the year, this is a 22% increase on last year in terms of total incidents scrutinised by the Panel.
- Of the 72 incidents assessed, the Panel graded 66 (92%) as Green, 4 (6%) as Amber and 2 (c.3%) as Red.²
- Those incidents graded as Green typically possessed the following attributes:
 - Use of force was clearly lawful, justified, and proportionate; evidenced through Body Worn Video (BWV) and corresponding statements.
 - Officers remained calm and controlled the situation well.
 - Clear written statements were produced with a convincing rationale for using force that matched what was viewed in the corresponding BWV.
 - Officers acted with the appropriate level of care and consideration for the individual and kept the safety of officers and members of the public in mind.
- For those incidents that were not graded as Green, the Panel identified some common themes:
 - The use of force was not considered proportionate in the circumstances or the method of force was inappropriate which escalated the situation.
 - The incident was unnecessarily escalated by inexperienced officers due to a lack of clear tactical communications.
 - Poor written statements in which the rationale and justification for using force is missing or unclear.
 - Use of bad language by officers which escalates rather than defuses tensions.

Key achievements

- The Panel has continued its scrutiny role through bi-monthly meetings, increasing the number of use of force incidents scrutinised this year on last.
- Panel members have provided invaluable support to the Office of the Police and Crime Commissioner (OPCC) in the ongoing implementation of the Health Check recommendations, an OPCC-commissioned review of the governance and operation

¹ A use of force record is completed by an officer when they use force. The total number of records completed differs from the total number of incidents because, for example, two or more officers may use force on the same individual during a single incident. Such a scenario would be recorded as one incident, but each officer who used force would be required to complete their own use of force record.

² The Panel uses a Red-Amber-Green (RAG) system to scrutinise and grade incidents. Please see Appendix B for further detail.

of its scrutiny panels. In parallel, the Panel has continued to adopt the Home Office's draft National Guidance for Community Scrutiny Panels to ensure that it meets or exceeds national best practice wherever possible. Progress made this year provides a strong foundation on which to continue enhancing the breadth and depth of the Panel's scrutiny over the course of the next year.

- In alignment with the Home Office draft National Guidance for Community Scrutiny Panels, Panel members have taken up a multitude of training opportunities throughout the year, including refresher training, observation of officer training, and 'Ride Alongs' with the Constabulary.
- In line with both the Health Check recommendations and draft National Guidance for Community Scrutiny Panels, Panel meetings have been hosted at different external locations across the county, helping to build positive working relationships with partner organisations and facilitate attendance and participation in meetings by Neighbourhood Policing Teams across Community Safety Partnerships (CSPs).
- Use of force in custody covering adults and children continues to be scrutinised at Panel meetings, in line with HMICFRS' custody inspection recommendations.
- The Panel has continued to enhance its use of data to identify deep-dive topics for detailed scrutiny.
- The Panel has successfully influenced and improved policing policy and procedure, notably around the Constabulary's Use of Force Standard Operating Procedure (SOP) so that officers must now create an MG11 (i.e. a statement) outlining the justification for their use of force. This change has had a positive impact on the Panel's ability to straightforwardly secure statements from officers and has also prompted improvements in the quality of written statements.

Recommendations for the year ahead (April 2024 – March 2025)

- Continue to implement the Health Check recommendations and adopt the Home Office's draft National Guidance for Community Scrutiny Panels to ensure that the Panel aligns with and where possible exceeds national best practice.
- Continue to increase the average number of use of force incidents scrutinised at meetings.
- Continue to increase the sample size of custody CCTV footage as a proportion of the Panel's wider scrutiny.
- Adopt a more data-influenced approach to scrutiny work, making more sophisticated use of PowerBI to understand trends and anomalies and identify issues requiring further investigation – and tracking progress over time. The Stop and Search Scrutiny Panel is adopting such an approach for its work around disproportionality and more widely, and the rich amount of data available to the Use of Force Scrutiny Panel means it can implement the same approach.
- Deliver a communications strategy spanning the OPCC's scrutiny panels to increase community awareness of and involvement in the panels' work.
- Find effective ways to deliver a more diverse Panel membership by ethnicity, age and those with lived experience of police activity.

- Continue to identify public venues for meetings to maximise opportunities for members of the public to observe the Panel’s work; and work to establish effective, practical hybrid meeting options to help attract and retain younger, more diverse panel members.
- Work with the OPCC’s Complaint Resolution Team (CRT) to understand how its rich data sets can be used to inform and advance areas of Panel scrutiny.

1. Introduction

This annual report summarises the work undertaken by the Hertfordshire Independent Use of Force Scrutiny Panel (hereafter referred to as ‘the Panel’) between 1 April 2023 and 31 March 2024. It evaluates the Panel’s progression and development this year and sets out recommendations for the coming year that will further increase the breadth and impact of the Panel’s scrutiny.

The Panel’s assessments and feedback inform individual and organisational learning and development, and improvement in police policy and practice regarding ‘use of force’ powers. This supports efforts to improve transparency and enhance public confidence in the Constabulary’s lawful, ethical and proportionate use of force.

The purpose and remit of the Panel is to support the PCC to discharge their statutory duty and hold the Chief Constable to account by providing independent scrutiny and feedback on the appropriate, proportionate, and ethical use by officers of use of force powers within national and local statutory frameworks. The Panel also makes recommendations on the Constabulary’s procedures and practices. We continuously horizon scan and adopt best practice and guidance from the Government to ensure our scrutiny volunteers are asking the right questions and providing the PCC with the strongest possible support in his role to hold the Chief Constable to account.

To deliver on this purpose, the Panel meets on a bi-monthly basis to review the preceding two month’s Constabulary use of force activity. Therefore, this report relates to the Constabulary’s use of force activity from 1 March 2023 to 29 February 2024.

This report uses the most recent data available to the Constabulary on PowerBI. A glossary is included to explain some of the terminology used in the report.



Panel members at their meeting in March 2024

Become a Member of the Use of Force Scrutiny Panel!

We continue to recruit for new Members! As a Panel Member you would:

- **Attend and participate in Panel meetings.** Meetings are held bi-monthly for three hours and are currently held mostly in person, during the day, across the county. Our ambition is to make Panel Meetings as flexible and inclusive as possible, and we continue to develop optimum online and hybrid options.
- **Be offered training to support your scrutiny,** including the opportunity to go on a Ride Along with police officers.
- **Be paid travel expenses.** Whilst this is a voluntary role, the OPCC meets any reasonable travel expenses incurred by Panel members.

We welcome applications from anyone who lives, works or studies in Hertfordshire. The OPCC is particularly interested to hear from younger people and those from Black, Asian and Minority Ethnic communities.

If you are interested in finding out more about becoming a Panel Member, please email Susan McNeill at the OPCC: susan.mcneill@herts-pcc.gov.uk

Profile of Hertfordshire

- Hertfordshire is a large county stretching from Cambridgeshire and Bedfordshire to the north to the outskirts of London in the south. It borders Buckinghamshire to the west and Essex to the east.
- Hertfordshire has a population of 1,204,588. 28.2% of residents are from an ethnic minority compared to 26.5% in England as a whole.
- Urban areas make up around a third of Hertfordshire by area and account for around 89% of the population. There is no single dominant large urban centre. In total, there are 40 settlements with 4,000 or more residents in each.
- Hertfordshire Constabulary has Neighbourhood Policing Teams which operate in each of the ten Community Safety Partnerships. These represent the ten local district and borough councils: Dacorum, East Herts, North Herts, Welwyn Hatfield, Broxbourne, Hertsmere, Watford, Three Rivers, St Albans, and Stevenage.
- Hertfordshire has lower crime levels than the national average: 64.6 crimes per 1,000 residents compared to 82.2 in England (Feb 2023 – Jan 2024). However, levels of antisocial behaviour incidents are higher: 21.3 per 1,000 residents compared to 14.7 in England (Feb 2023 – Jan 2024).

See [HertsInsight](#) (ONS Census 2021 Data, ONS mid-2022 population estimates, April 2024) for references and more information.

2. Background

Independent scrutiny of the police's use of coercive powers sits at the heart of police legitimacy which is critical to maintaining the public's trust and confidence in the police. The Panel plays a vital part in preserving and enhancing that legitimacy in Hertfordshire by delivering independent scrutiny of use of force incidents.

What is Use of Force?

The law allows the police to use reasonable force, when necessary, in order to carry out their role of law enforcement. In England and Wales, the use of (reasonable) force is provided to police and any other person under Section 3 of the Criminal Law Act 1967, which states: "A person may use such force as is reasonable in the circumstances in the prevention of crime, or in effecting or assisting in the lawful arrest of offenders or suspected offenders or of persons unlawfully at large".

Methods of Force

The Panel only reviews use of force deployed by local policing teams in Hertfordshire. A use of force incident is defined as a situation in which a police officer uses any of the following force tactics:

- **Restraint Tactics:** Handcuffing (compliant or non-compliant), limb restraint, and ground restraint.
- **Unarmed Defence Tactics (UDT):** Distraction strikes with hands and feet; and pressure point and joint locks.
- **Use of other equipment:** Baton (including where it was drawn but not used), PAVA irritant spray (including where it was drawn but not used) and spit guard.
- **Less lethal weapons:** Conducted Energy Device (CED, e.g., TASER®), (including where it was drawn but not used)

The Panel's remit excludes firearms, dogs, or shield, which is scrutinised by the [Joint Protective Services \(JPS\) Use of Force Panel](#).

The Panel provides independent scrutiny and feedback on whether use of force was lawful, proportionate, and justified within national and local statutory frameworks (Common Law, Section 3 of the Criminal Law Act 1967, Section 117 of PACE 1984, Section 76 of the Criminal Justice and Immigration Act 2008, College of Policing's Authorised Policing Practice).

The Panel was established in 2018 and initially managed internally by Hertfordshire Constabulary. During the COVID-19 pandemic, Panel meetings were postponed for a period as body worn video (BWV) footage could not be streamed via Microsoft TEAMS due to data protection issues. In September 2021, the Panel was brought under the management of the OPCC.

The Panel today is well-established and continues to evolve and adapt its practices, always seeking new ways to strengthen the impact and depth of its scrutiny. It provides clear and transparent information for both Constabulary and community benefit and plays an

important part in enhancing public confidence in police performance. This was borne out in the most recent His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) Peel Inspection, published in February 2023, which found that Hertfordshire has effective independent panels that scrutinise the Constabulary's use of force.³

3. Health Check

Significant progress has been made this year in implementing the recommendations made by the independent Health Check of the governance and operations of the Use of Force Scrutiny Panel (and Stop and Search Scrutiny Panel), undertaken on behalf of the OPCC by Att10tive Social Enterprise.⁴

The Health Check concluded that in Hertfordshire the foundations and framework are in place to provide effective scrutiny and oversight of police powers. It identified areas of good practice and made recommendations for further areas of development. Those areas of development have been progressed at pace, but there is still more to do and further progress will be a key priority for the year ahead.

In particular, there will be a resolute focus on raising community awareness of, and involvement in, the work of OPCC scrutiny panels and continuing efforts to broaden the diversity of the Panels' membership by age, ethnicity and lived experience of the criminal justice system. These objectives will be delivered by a coherent, unified communications strategy sitting across all the OPCC's scrutiny panels. The Panel recognises that improving diverse attendance and membership must go hand-in-hand with considering what format panel meetings take in future. Meetings held during the day in a formal classroom setting will not always appeal to younger people and those with different work commitments.

4. Panel Membership and Leadership

The Panel has benefitted from stable leadership during the reporting period. Chris Cowdrey was re-appointed as Chair for a second term in January 2024, which will run to January 2026. Jeffrey Burke continues to serve as one of two Vice Chairs. The second Vice Chair position is currently vacant and a new appointment will be made imminently.

As of April 2024, the Panel's total membership has remained stable at 29 members, all of whom live, work or study in Hertfordshire. Over the course of the year, nine members have retired from the Panel and nine new members have joined. The OPCC continues to advertise for and recruit new members on an ongoing basis.

In line with the Health Check recommendations, a coordinated approach to recruitment for the Use of Force and Stop and Search Panels was developed and delivered in the latter half of 2023. Whilst that campaign generated significant interest in the Panels and attracted new and valued members, it did not significantly shift the dial in terms of diversity of membership.

³ [PEEL 2021/22 – An inspection of Hertfordshire Constabulary - His Majesty's Inspectorate of Constabulary and Fire & Rescue Services \(justiceinspectors.gov.uk\)](https://www.justiceinspectors.gov.uk/peel-2021-22)

⁴ Att10tive Social Enterprise <https://att10tive.com/>

Addressing this point will be an absolute priority in the coming year across the OPCC’s Scrutiny Panels. Delivering diversity through recruitment will be a key tenet of the communications strategy described in the section above. As a first step, the OPCC has developed a ‘mock panel’ model that will be delivered in colleges and educational settings to bring to life the scrutiny process for stop and search and use of force, engaging proactively and directly with young people from less well represented communities throughout the county.

It is the Panel’s target to reflect the demographics within Hertfordshire and we will continue to pursue a recruitment strategy that delivers as far as possible a Panel membership which echoes the thriving diversity in our county.

The following table provides a breakdown of Panel membership by gender, age and ethnicity compared against Hertfordshire’s 2021 Census data:

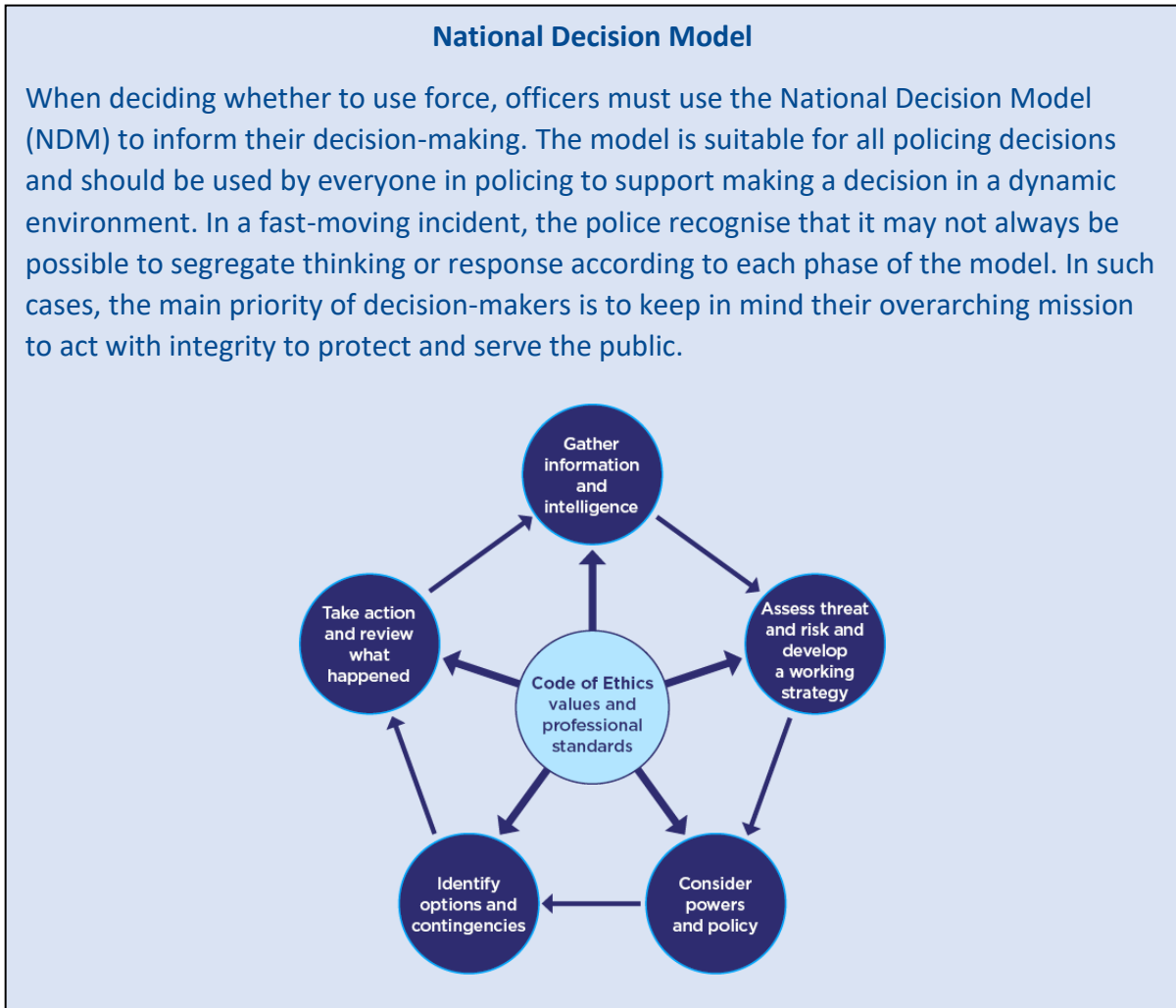
Category	Panel	2021 Census ⁵
Gender		
Female	51.7%	51%
Male	48.3%	49%
Age		
16 – 24	3.5%	9.4%
25 – 39	0%	19.9%
40 – 54	17.3%	21.3%
55 – 70	37.9%	17.2%
70+	31%	12.5%
Prefer not to say	10.3%	
Ethnicity		
White	89.7%	81.8%
Asian/Asian British	6.9%	8.6%
Mixed or Multiple Ethnic Groups	3.4%	3.8%
Black, Black British, Caribbean, or African	0%	3.7%
Other Ethnic Group	0%	2.1%

5. Panel Training

We have continued to evolve and widen the training offer to Panel members this year, in alignment with the Home Office draft National Guidance on Community Scrutiny Panels. Upon joining the Panel, members undertake a mandatory training session with the OPCC and Constabulary’s Personal Safety Team (PST) to understand the National Decision Model, tactical communications, and the legislative and policy context that frames use of force powers – and the Panel’s role in scrutinising their use. This provides new members with a strong grounding in understanding how to critically challenge and scrutinise use of force incidents.

⁵ ONS Census 2021 Hertfordshire: <https://www.ons.gov.uk/visualisations/areas/E10000015/>

When this training package is delivered to new members, it is also offered as a matter of course to all existing members as a refresher training opportunity. This helps maintain and further develop members' understanding of police powers and ability to deliver effective scrutiny.



Panel members are also encouraged at any point in their membership to participate in the Constabulary's Ride Along scheme, giving members the opportunity to join officers on patrol and experience daily policing first-hand to provide them with the operational context in which force is used across different scenarios. With the help of the Constabulary, the Ride Along application process for Panel members was streamlined this year, significantly reducing wait times between applying and participating in the scheme.

We continue to work with the Constabulary to identify opportunities for Panel members to attend and observe officer training, not just for use of force specifically but for relevant wider topics such as Bias training. In December 2023 and January 2024, members from all OPCC Scrutiny Panels had the opportunity to attend 'Impact of Bias' training being delivered to frontline officers in Neighbourhood Policing Teams. This gave members additional insight into the training officers receive around how bias training is being used to minimise the

impact of any assumptions, biases, or stereotyping and how that can impact decision-making in policing. Feedback from Panel members was extremely positive.



This year, a group of Panel members attended an event hosted by Joint Protective Services (JPS – a collaborative alliance between Hertfordshire, Bedfordshire and Cambridgeshire covering armed policing, dogs, and roads policing) specifically arranged for members of scrutiny panels from across the three counties. The purpose of the event was to inform Panel members about the work of JPS and the specific methods of force for which it is responsible that sit outside of the remit of the OPCC’s Use of Force Scrutiny Panel. (A distinct scrutiny panel assesses use of force by JPS units).

In line with the Health Check recommendations and Home Office best practice, the OPCC continues to explore how we can continue to improve and widen the training offer to Panel members to give them the best possible grounding to fulfil their scrutiny role effectively. This includes exploring what potential value might be added by external training providers to supplement what is already delivered in-house by the OPCC and Constabulary.

6. Meetings

Terms of Reference (ToR) are in place to guide the work of the Panel and these are reviewed on an annual basis. As part of the implementation of the Health Check recommendations, the Panel’s ToRs were reviewed and updated in 2023 to ensure absolute transparency

around the remit, membership, governance, and types of scrutiny activity undertaken by the Panel. The revised ToR are published on the OPCC website.⁶

A Superintendent, Chief Inspector, Inspector or Sergeant (or combination thereof) from Hertfordshire Constabulary's Operational Strategy, Performance and Transformation Department (OST) attends all meetings so that operationally specific questions can be asked directly by members. In addition, a member from the Constabulary's Personal Safety Team, which delivers all police officer use of force training, also attends every meeting to advise on use of force tactics. When CSP deep-dives are conducted by the Panel, the relevant Chief Inspector is invited to attend and observe.

As the Panel continues to conduct meetings at different venues across the county, Sergeants and Police Constables from Neighbourhood Policing Teams are invited to attend meetings as a matter of course to observe and understand the work of the Panel. Feedback from attending officers continues to be extremely positive.

The Panel has an established meeting format which maximises time dedicated to scrutiny whilst permitting the flexibility to address new and relevant issues as they arise. Meetings consist of standing agenda items (welcome, apologies, minutes, and actions) with the bulk of meeting time devoted to scrutiny. Members break into two groups to undertake scrutiny, to increase the totality of incidents assessed by the Panel. Incidents for the meeting are dip-sampled randomly by the Chair, who can select a range of methods of force depending on the theme of the meeting. Typically, twenty incidents are selected for a meeting, split randomly between the two groups. At the end of each meeting, the two groups summarise their feedback, gradings and specific issues and themes of note from their scrutiny.

The Panel uses a RAG (Red-Amber-Green) grading system to assess use of force incidents, with scores ranging from 1 to 7 (see Appendix B for the RAG grading system detailed in full). The RAG grading system enables Panel members to make measured assessments on whether force used is legal and proportionate, and on wider considerations around officer language, behaviour and regard to the safety of officers and members of the public.

The Panel grades each incident and completes written feedback forms which are shared via the Constabulary with individual officers. Feedback in turn informs individual and wider organisational learning and development. A comprehensive and well-established feedback loop is in place with the Constabulary. Where serious concerns are raised by the Panel, the Constabulary reports back at the subsequent meeting on the outcome of their feedback, whether positive or negative, and any agreed course of action for the officer involved, to complete the feedback loop.

⁶ [use-of-force-panel-terms-of-reference-2023-2024.pdf \(hertscommissioner.org\)](https://www.hertscommissioner.org/use-of-force-panel-terms-of-reference-2023-2024.pdf)

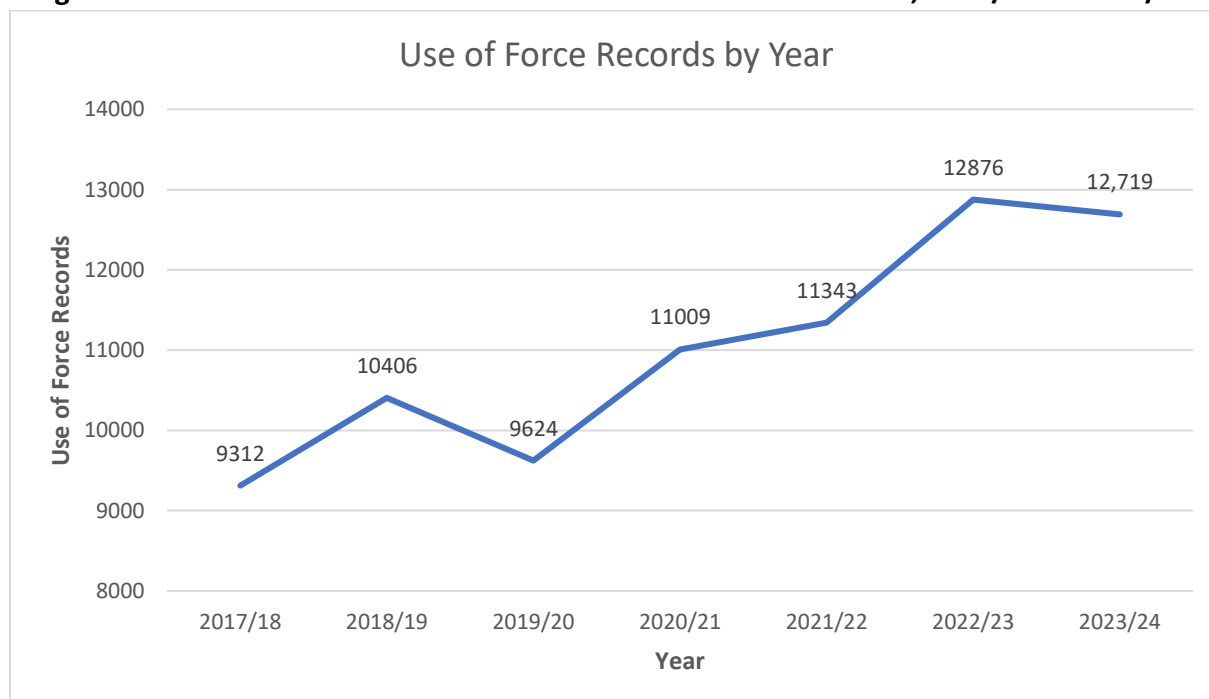
7. Key Findings

Use of Force in Hertfordshire

In Hertfordshire in 2023/24, a total of **12,719 use of force records** were completed, accounting for **7,872 incidents**.⁷ On last year, this represents a decrease of 1.2% in the volume of use of force records completed and a 1.7% decrease in total incidents. The latest available Home Office statistics (for 2022/23) indicate that Hertfordshire sits seventh out of eight in its Most Similar Force Group when it comes to total volume of use of force incidents.⁸

Prior to March 2022, Hertfordshire Constabulary used a platform called SNAP which did not have the capability to record the total count of use of force incidents. It is therefore not possible to compare incident totals beyond this year and last. Use of force incidents are now recorded on tuServ, which will enable that historical comparison to be made in future years. It is also mandatory for officers to enter an online use of force record via tuServ. This largely explains the fact that the total volume of use of force records (see **figure 1** for a year-by-year comparison) was markedly higher in 2022/23 and 2023/24 compared to previous years (i.e. tuServ data provides a more complete and accurate picture of use of force, as opposed to there necessarily being a dramatic increase in use of force by officers in the past two years).

Figure 1: Annual Volumes of Use of Force Records in Hertfordshire, 2017/18 to 2023/24



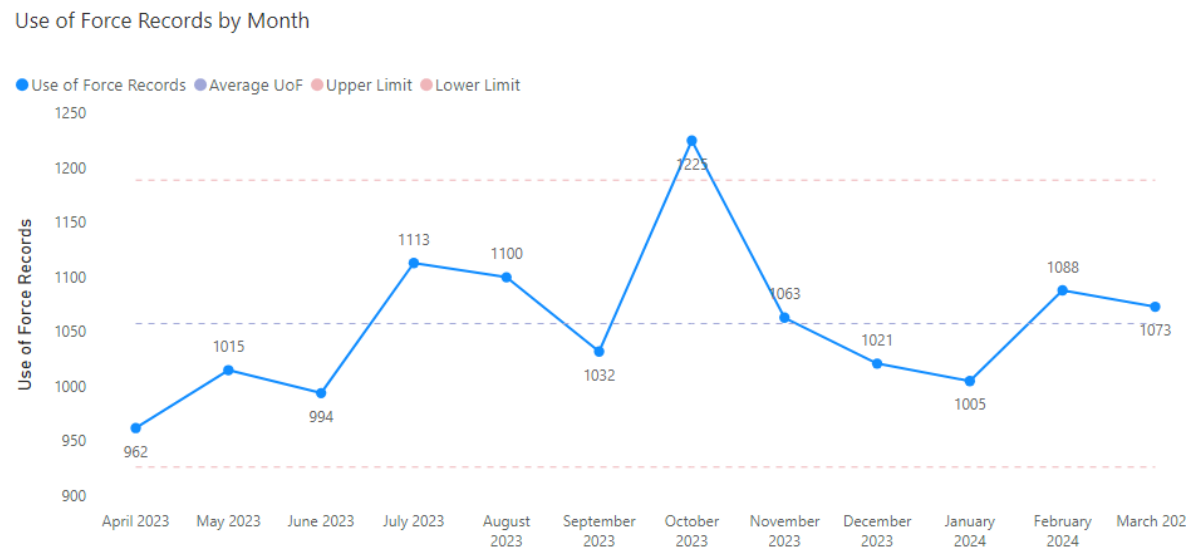
(source: PowerBI, accessed 2nd May 2024)

⁷ A use of force record is completed by an officer when they use force. The total number of records completed differs from the total number of incidents because, for example, two or more officers may use force on the same individual during a single incident. Such a scenario would be recorded as one incident, but each officer who used force would be required to complete their own use of force record.

⁸ [Police use of force statistics, England and Wales: April 2022 to March 2023 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/police-use-of-force-statistics-england-and-wales-april-2022-to-march-2023)

Volumes of use of force records this year were relatively stable on a month-to-month basis, with a slight spike in total records (1225) recorded in October 2023 (see figure 2), with Halloween traditionally placing additional demands on frontline officers.

Figure 2: Monthly Volumes of Use of Force Records in Hertfordshire, April 2023 to March 2024



(source: PowerBI, accessed 2nd May 2024)

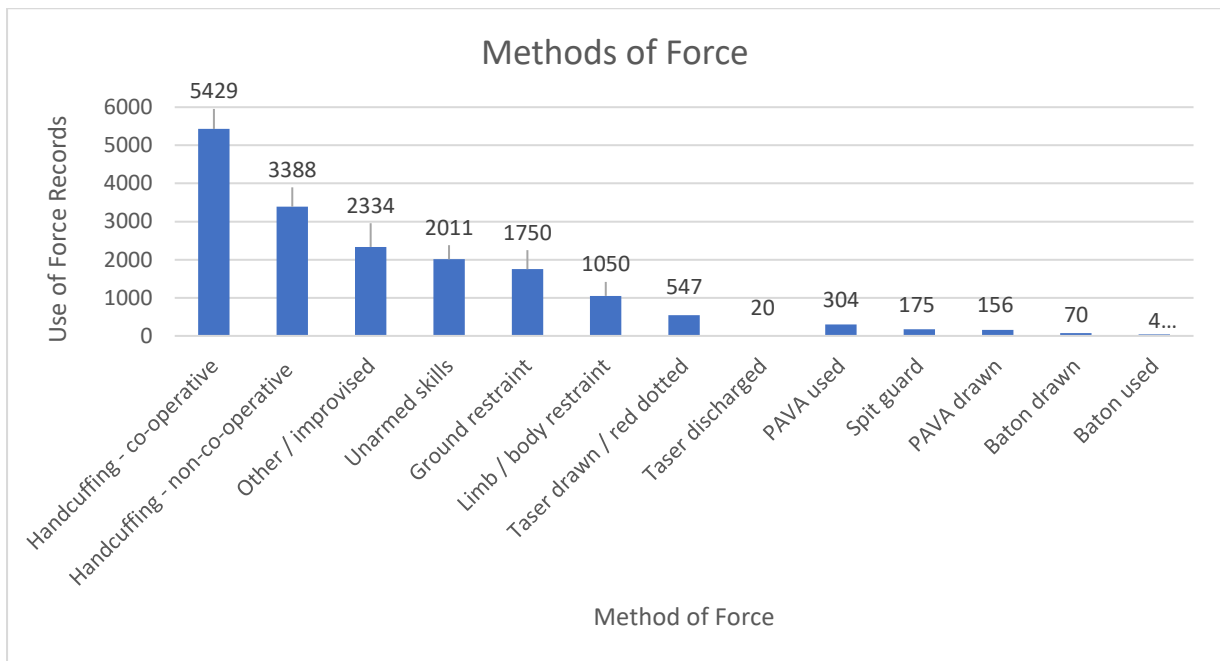
As was the case last year, **handcuffing** was by some margin the **most used method of force** by officers this year, accounting for 8817 (69.3%) of use of force records (compared to 70% last year) (see figure 3). This would be entirely expected given that, in a vast majority of cases, handcuffing is used to **effect arrest** or **prevent escape** – the two **most common reasons for officers using force**. This year, effecting arrest was cited in 53% of use of force records (as was the case in 2022/23), whilst preventing escape was cited in 54% (compared to 51% last year).

In addition to the main reasons for using force (e.g. making an arrest), **'impact factors'** will often play a key part in an officer's decision-making around whether to use force and by which method. **'Size/gender/build'** of the individual involved was the most common impact factor, cited in 39% of use of force records this year; this would typically account for scenarios in which an officer is at a disadvantage when it comes to physical size and strength. **Alcohol** and **Drugs** are the next most common impact factors, cited in 34.5% and 33.7% of records this year respectively.

Acute Behavioural Disorder (ASD)⁹ was the least commonly given impact factor (appearing in 2% of records this year) but, given the severity of the condition and the national media attention it has gained in a policing context, it is a topic that the Panel would like to consider in more detail as part of its scrutiny in the coming year.

⁹ Acute Behavioural Disorder (ABD) is treated as a medical emergency. ABD is a rare form of severe mania, sometimes considered as part of the spectrum of manic-depressive psychosis and chronic schizophrenia. Persons suffering from ABD are highly vulnerable to sudden death from cardiac arrest, during or shortly after a strenuous struggle.

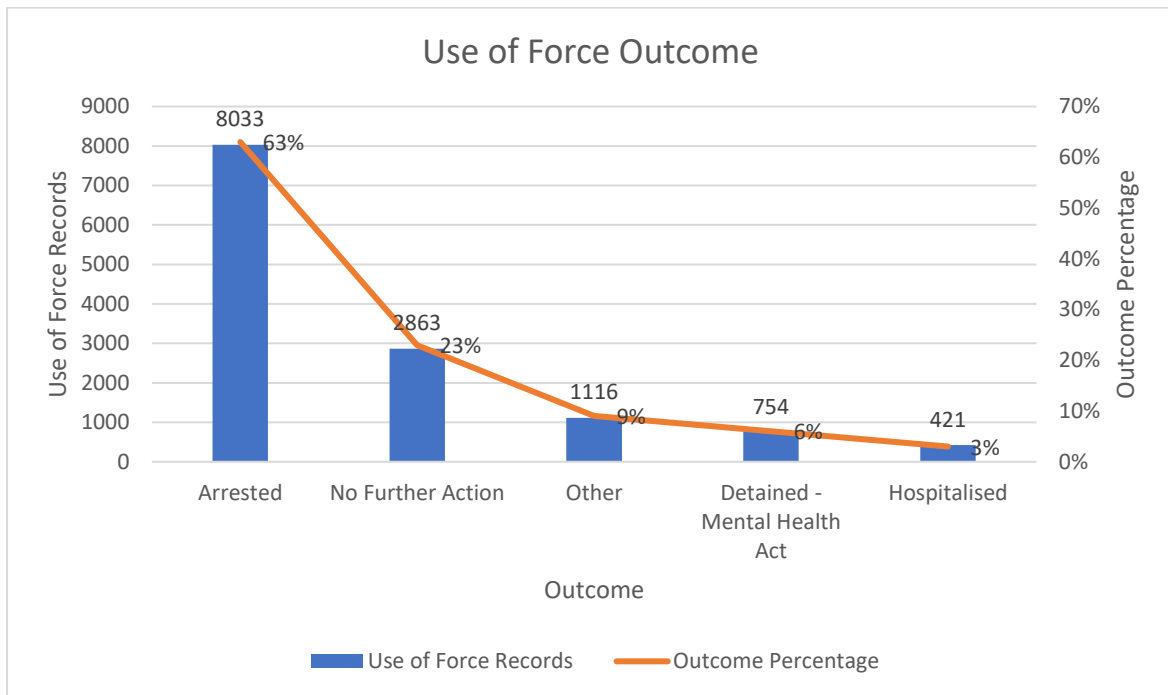
Figure 3: Methods of Use of Force in Hertfordshire, April 2023 to March 2024



(source: PowerBI, accessed 2nd May 2024)

The **most common outcome** (see **figure 4**) in use of force incidents this year was **arrest** of the individual involved, accounting for 63% of use of force records (compared to 62% last year). The only other outcome accounting for a sizeable portion of records (23%) was **‘no further action’** (NFA) against the individual involved. (Use of force incidents with an outcome of NFA were the subject of the Panel’s deep-dive at its March 2024 meeting, explained in more detail in the ‘Panel Scrutiny’ sub-section below.)

Figure 4: Use of Force by Outcome in Hertfordshire, April 2023 to March 2024



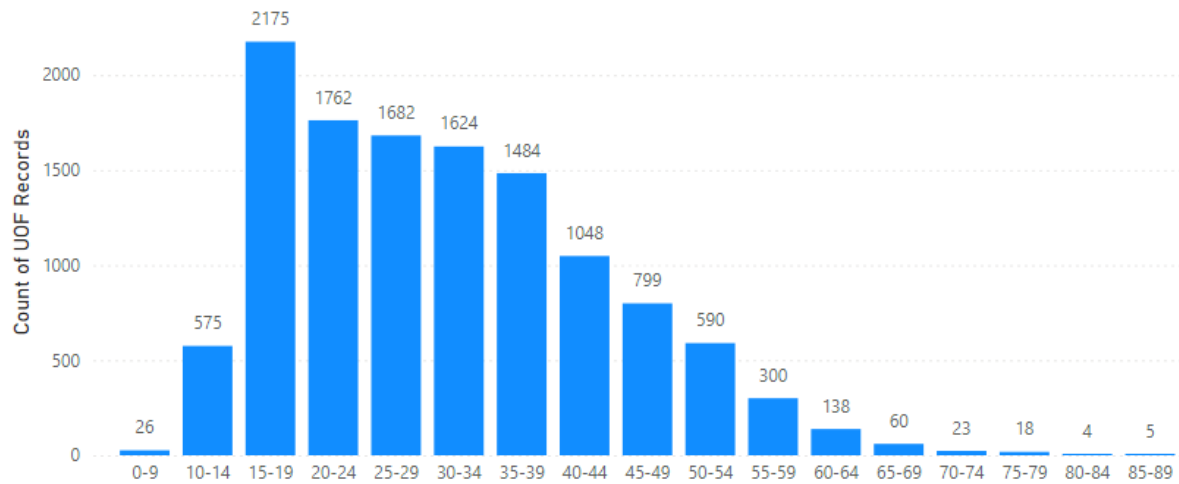
(source: PowerBI, accessed 2nd May 2024)

The most common demographic characteristics of people involved in use of force incidents this year are the same as those cited in last year’s report:

- 70% were **White** (officer-defined ethnic appearance) (the same percentage as for 2022/23).
- 77% were **Male** (the same percentage as for 2022/23).
- 31% were aged between **15 and 24 years** (compared to 32% in 2022/23) (see figure 5).

Figure 5: Use of Force by Age Group in Hertfordshire, April 2023 to March 2024

Use of Force by Age Group



(source: PowerBI, accessed 2nd May 2024)

Panel Scrutiny

In scrutinising incidents, the Panel assesses whether use of force was justified, proportionate and lawful. It also considers wider factors around officer conduct including their behaviour and use of language and safety for both officers and members of the public. The RAG grading system used by the Panel is set out at Appendix B.

This year, the Panel scrutinised a total of **72 use of force incidents** via BWV and officer statements. This represents a **22% increase on last year** in terms of total incidents scrutinised. The Panel is pleased to have increased its tally of incidents scrutinised this year and will look to increase this further in the coming year. Of those 72 incidents, the Panel graded **66 (92%) as Green** (compared to 88% last year), **4 (6%) as Amber** (7% last year) and **2 (c.3%) as Red** (5% last year).

These headline findings indicate that the Panel remains confident, based on the incidents reviewed, that use of force by officers in Hertfordshire is justified, proportionate and lawful.

Figure 6: Breakdown of Panel’s Gradings in 2023/24

Green	66	Green 1	58
		Green 2	8
Amber	4	Amber 3	2
		Amber 4	2
Red	2	Red 5	1
		Red 6	1
		Red 7	0

(source: Panel scrutiny records)

All Panel feedback on incidents is passed to the relevant Chief Inspector, whether it is to highlight excellent officer conduct or serious concerns. Positive feedback is used to recognise and reinforce good practice and informs individual and organisational learning and development. Where serious concerns are recorded (i.e. a Red grading), the relevant Chief Inspector will investigate further and return to the Panel with the outcome and any agreed next steps for the officer concerned, thus completing the feedback loop.

Case Study of an incident the Panel scored Green

Officers were called to an incident with a female in mental health crisis.

Panel members commented on the fact that officers were well-organised and communicated clearly with each other throughout the incident. The officer who drew a Taser was praised for their very calm directions given to the lady concerned. Panel members were so impressed with the officer's conduct that they agreed that the BWV footage could be used in a training situation to show other officers a good example of how to deal with someone in a mental health crisis. The corresponding officer statement was clearly written with a valid rationale for use of force that matched the BWV footage viewed by the Panel.

The Panel graded this incident as Green 1.

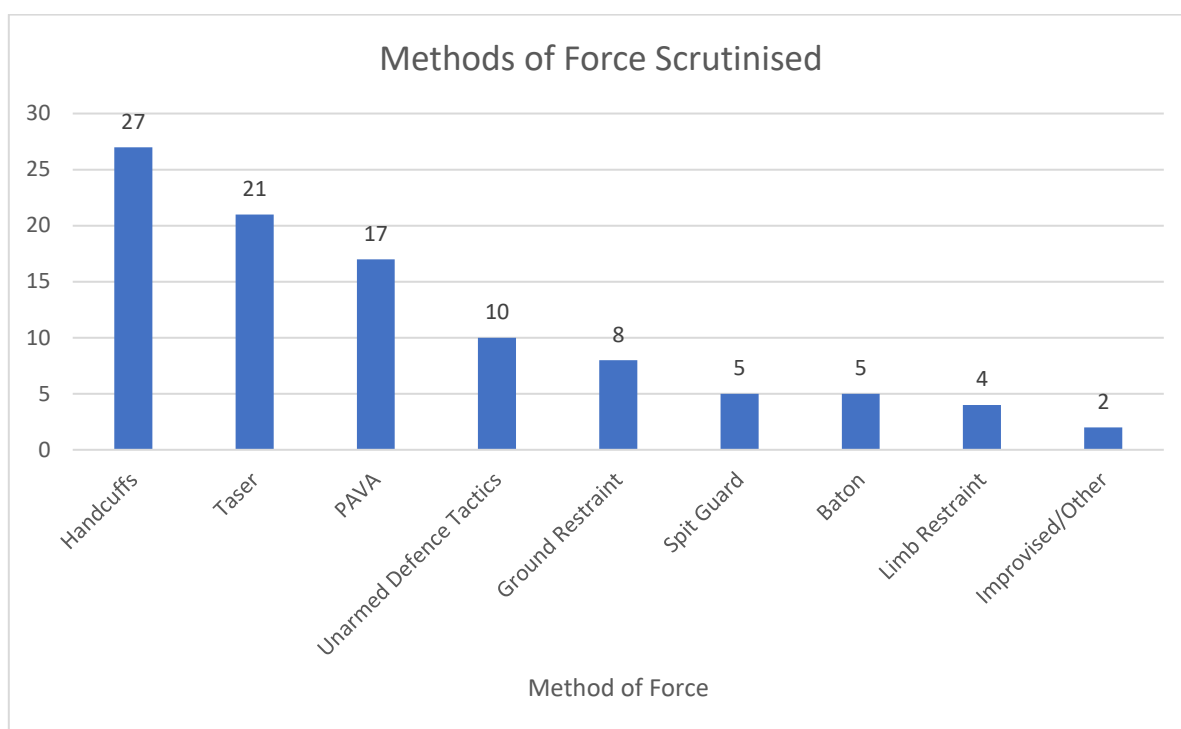
The Panel has reviewed a range of methods of force (see figure 7), dip-sampling across methods to ensure all receive appropriate levels of scrutiny during the year.¹⁰

Handcuffs (27) was the most scrutinised method of force this year, reflecting the fact this is the method most used by officers. Second highest was Conducted Energy Devices (CEDs) (21), commonly referred to as the brand name and registered trademark TASER®. This is a less lethal weapon designed to temporarily incapacitate an individual through use of an electrical current that temporarily interferes with the body's neuromuscular system and produces a sensation of intense pain. Only officers with specialised training can use CED.

Third highest was PAVA (17), which is a synthetic pepper spray. This is considered a low-level use of force and its effects are only temporary, leaving an individual with discomfort in their eyes for 10 to 15 minutes with no lasting effect. However, care is required to use it correctly as there are possible medical implications if guidelines are not followed. Officers are taught by PST that it should not be used within one metre of the individual, which could cause damage to the retina.

¹⁰ The total number of methods of force scrutinised by the Panel is larger than the total number of incidents scrutinised because an officer might be required to use more than one type of force in a single incident. The Panel might, for example, dip-sample a use of force record labelled Taser and find on viewing the BWV that the officer also uses handcuffs. On such occasions, the Panel will grade and score the entire incident taking into account all methods of force used.

Figure 7: Methods of Force Scrutinised by the Panel, April 2023 to March 2024



(Source: Panel scrutiny records)

This year, the Panel has continued to conduct a mix of countywide use of force scrutiny and scrutiny of specific “deep-dive” topics identified by the Panel’s data subgroup:

Areas of scrutiny focus in 2023/24	
May 2023: Countywide Use of Force incidents	November 2023: Incidents involving individuals aged 14 years and under
July 2023: Incidents involving Black individuals aged between 15 and 24 years	January 2024: Countywide Use of Force incidents
September 2023: Countywide Use of Force incidents	March 2024: Incidents with No Further Action as the outcome

At its meeting in July 2023 scrutinising incidents involving Black individuals aged between 15 and 24 years, the Panel noted that vulnerable individuals who appeared in some of the incidents were all treated very well by officers. The Panel had no concerns in relation to possible racial bias or discrimination.

In November 2023, the Panel assessed incidents involving individuals aged 14 years and under. Whilst most incidents were graded positively, one incident involving use of PAVA was graded Red as the Panel felt there was no clear rationale for its use and a lack of tactical communication between the two officers involved in the incident. In line with the Panel’s feedback loop, the Panel’s views were provided to the officer concerned and the relevant Inspector discussed the incident with them. It was felt by the officer involved that use of

PAVA was justified as the individual was actively resisting officers and aiming a headbutt in their direction, an assessment with which the Inspector concurred. The Panel accepted this assessment to complete the feedback loop.

In addition to the PAVA incident described above, the Panel graded as Red one additional incident this year. The incident involved an individual on an e-scooter which the Panel felt quickly and unnecessarily escalated from a stop and search to use of force whereby the individual was taken to the ground using unarmed defence tactics before having a spit guard applied. Feedback was provided to the Panel by the relevant CSP Chief Inspector, who stated that taking the individual to the floor was justified as he had previously resisted having handcuffs applied and attempted to walk away from officers, whilst the spit guard was necessary as spit was coming from his mouth in the direction of officers.

With all incidents, it is important to note that there may be a degree of intelligence on the individual which the Panel will not always be privy to which feeds into an officer's decision and the national decision-making model when justifying use of force.

In March 2024, the Panel focused its scrutiny on incidents with an outcome of No Further Action (NFA), having noted in the course of its regular assessment of Constabulary use of force data that approximately one in five incidents involving use of force result in NFA. No serious concerns were raised in this meeting and officers involved in the incidents scrutinised were generally praised by the Panel for exercising good judgement and restraint and using force to de-escalate confusing or fraught situations.



At certain points in the year, the Panel has been frustrated at being unable to secure written statements from officers. Whilst this has been a relatively rare occurrence, the lack of a statement means that the Panel does not have the benefit of the wider circumstances to an incident and the officer's own rationale and thinking behind using force. In such

circumstances, Panel members are forced to attempt to make gradings based on BWV alone in a partial information vacuum without the broader context.

In response, the Constabulary has amended its Use of Force Standard Operating Procedure (SOP) so that officers must, in addition to recording use of force on tuServ, create an MG11 (i.e. a statement) outlining the justification for their use of force. This change was implemented in January 2024 and has had a hugely positive impact on the Panel's ability to straightforwardly secure statements from officers as they are now, as a matter of policy, already on file. The Constabulary also recognised this policy change as representing general good practice, given that officers are personally responsible for their use of force and may be required to justify their actions in criminal, civil or disciplinary proceedings. A written record of their use of force may be invaluable in these circumstances. This is a tangible and positive example of the Panel having a direct and meaningful impact on Constabulary policy and practice.

The Panel identified some common themes this year in incidents which failed to achieve a Green grading:

- The use of force was not considered proportionate in the circumstances.
- The incident was unnecessarily escalated by inexperienced officers due to a lack of clear tactical communications.
- Poorly written statements in which the rationale and justification for using force is missing or unclear.

In addition, the Panel has continued to flag incidents in which officers use bad language with members of the public. Whilst the Panel appreciates that officers are involved in often stressful situations, members continue to view incidents where swearing has had a negative impact on a situation, heightening rather than de-escalating tensions. The Panel is also aware that the training new officers receive on tactical communications is very clear on this subject, stating that it is never acceptable to use inappropriate or bad language. Use of bad language can give the impression of poor officer attitude which can in turn undermine public trust and confidence in the police.

If we are to continue increasing the Panel's confidence in officers' use of force, officers would need to demonstrate, on an even more consistent basis, that:

- Use of force was clearly lawful, justified and proportionate, through BWV and corresponding statements.
- They remained calm and controlled the situation well.
- Written statements are clear and concise with a convincing rationale for using force, and plainly match what is viewed in the corresponding BWV.
- They acted with the appropriate level of care and consideration for the individual and kept the safety of officers and members of the public firmly in mind.
- They conducted themselves in a professional manner with no use of bad language.

8. Use of Force in Custody

In June 2022, HMICFRS published its report on its unannounced inspection visit to police custody suites in Hertfordshire.¹¹ One of the report's recommendations advised scrutinising force used in custody suites, including viewing CCTV footage of incidents.

The Panel has since implemented this recommendation and now reviews use of force CCTV footage from the custody suites in Hatfield and Stevenage at its meetings. This remains a relatively small portion of the Panel's scrutiny, with three incidents reviewed over the course of the year and all graded Green. The objective in the coming year is to increase the sample size of custody footage assessed by members without undermining the Panel's continued upward trajectory in terms of wider BWV scrutinised. It should be entirely feasible for the Panel to assess three to four custody incidents at each of its meetings without reducing its scrutiny of BWV.

CCTV footage in custody cells has no audio, which makes grading incidents more challenging for members and means that the Panel is particularly reliant on clear officer statements to make informed judgements regarding use of force.

9. Complaints

All expressions of dissatisfaction are initially logged by the Hertfordshire OPCC's Complaint Resolution Team (CRT). Those complaints which meet a certain risk criterion and any logged matters which cannot be resolved to the complainant's satisfaction are referred to the Constabulary's Professional Standards Department (PSD).

In 2023/24:

- 118 complaints relating to Use of Force were made by the public.
- 12,719 use of force records were completed in Hertfordshire. This means there was a complaint raised for 0.9% of all use of force records.
- Of the 118 use of force complaints received, common themes tended to consist of: misuse of restraint equipment; alleged discrimination; individual officer behaviour of either being intolerant, impolite, unprofessional, or overbearing; or around delivery of duties and services relating to information or decisions.

The Panel continues to review CRT complaints data on a quarterly basis to identify any issues or trends of potential concern that might inform future scrutiny. One ambition for the coming year is to explore how, in addition to reviewing complaints data, the Panel can better utilise the rich data sets collected by CRT to enhance further its scrutiny of use of force.

10. Conclusion

This report evidences the Panel's view that, based on the use of force incidents it has scrutinised, there are no serious concerns about use of force by Hertfordshire Constabulary

¹¹ <https://www.justiceinspectors.gov.uk/hmicfrs/publications/unannounced-inspection-of-custody-suites-in-hertfordshire/>

officers. Of those use of force incidents the Panel scrutinised this year, 92% were graded Green. Only two incidents this year were Graded Red by the Panel.

This year has been one of progress for the Panel itself as it continued to evolve and develop with the aim of strengthening the breadth and impact of its scrutiny. The Panel has increased by 22% the amount of use of force incidents scrutinised this year compared to last year and is ambitious to continue increasing the totality of scrutiny it undertakes so that its sample size of the total volume of use of force records is enhanced.

Whilst it is important to note the Panel's successes this year, there is further progress to be made. In 2024/25, the Panel will deliver on the following recommendations to enhance even further the role it plays in scrutinising use of force powers in Hertfordshire:

- Continue to implement the Health Check recommendations and adopt the Home Office's draft National Guidance for Community Scrutiny Panels to ensure that the Panel aligns with national best practice.
- Continue to increase the average number of incidents scrutinised at meetings across the year.
- Continue to increase the sample size of custody CCTV footage as a proportion of the Panel's wider scrutiny.
- Adopt a more data-influenced approach to scrutiny work, making more sophisticated use of PowerBI to understand trends and anomalies and identify issues requiring further investigation – and tracking progress over time. The Stop and Search Scrutiny Panel is adopting such an approach for its work around disproportionality and more widely, and the rich amount of data available to the Use of Force Scrutiny Panel means it can implement the same approach.
- Deliver a communications strategy spanning the OPCC's scrutiny panels to increase community awareness of and involvement in the panels' work.
- Find effective ways to deliver a more diverse Panel membership by ethnicity, age and those with lived experience of police activity.
- Continue to identify public venues for meetings to maximise opportunities for members of the public to observe the Panel's work; and work to establish effective, practical hybrid meeting options to help attract and retain younger, more diverse panel members.
- Work with the OPCC's CRT to understand how its rich data sets can be used to inform and advance areas of Panel scrutiny.

Progress against delivering on these recommendations is already underway and will be reported on in full in next year's annual report.

Appendix A: Progress Review on Last Year's Recommendations

2022/23 recommendations		Progress update
1.	Improve member representation to reflect the community in Hertfordshire, based on Race and Ethnicity, Age, Gender/Sexual Orientation, Religion and Disabilities (mental & physical).	Work in progress. The Panel has expanded its membership this year, but further work is underway to enhance the diversity of its membership. (This will remain a high priority for the coming year.)
2.	Review current panel roles and whether these need to be widened to include an Engagement Lead, and a Data Champion, and to explore the benefits of setting up associated task and finish groups to deliver on the recommendations of the health check.	Complete. Refreshed terms of reference and member profiles have been completed. These are published on the OPCC website and reviewed annually to ensure they remain fit for purpose.
3.	Review the RAG grading to ensure it remains fit for purpose and incorporates judgements on the safety of officers in use of force situations as outlined in the Health and Safety Executive (HSE) Report ¹² .	Complete. The RAG grading system has been reviewed and updated to ensure Panel judgements around safety are factored in. The grading system is reviewed and updated as required to ensure it remains fit for purpose.
4.	Increase the availability of data and to use the Key Performance Indicators (KPIs) provided by the health check (e.g., top ten officers who use force, use of force by gender etc) so the Panel can conduct effective deep dives.	Complete. The Panel has taken a more data-influenced approach to its scrutiny this year. But there is more to do and it will continue to evolve and expand how it uses data to inform its scrutiny in the coming year.
5.	Develop an external Communications and Engagement Plan to raise awareness of the Panel, its successes and findings using a range of communication channels and platforms including social media.	Work in progress. A joint communications strategy across all OPCC scrutiny panels is in development. This will focus on raising community awareness of the Panels' activities, and will also drive forward progress on recommendation 1 above on securing more diverse Panel memberships.

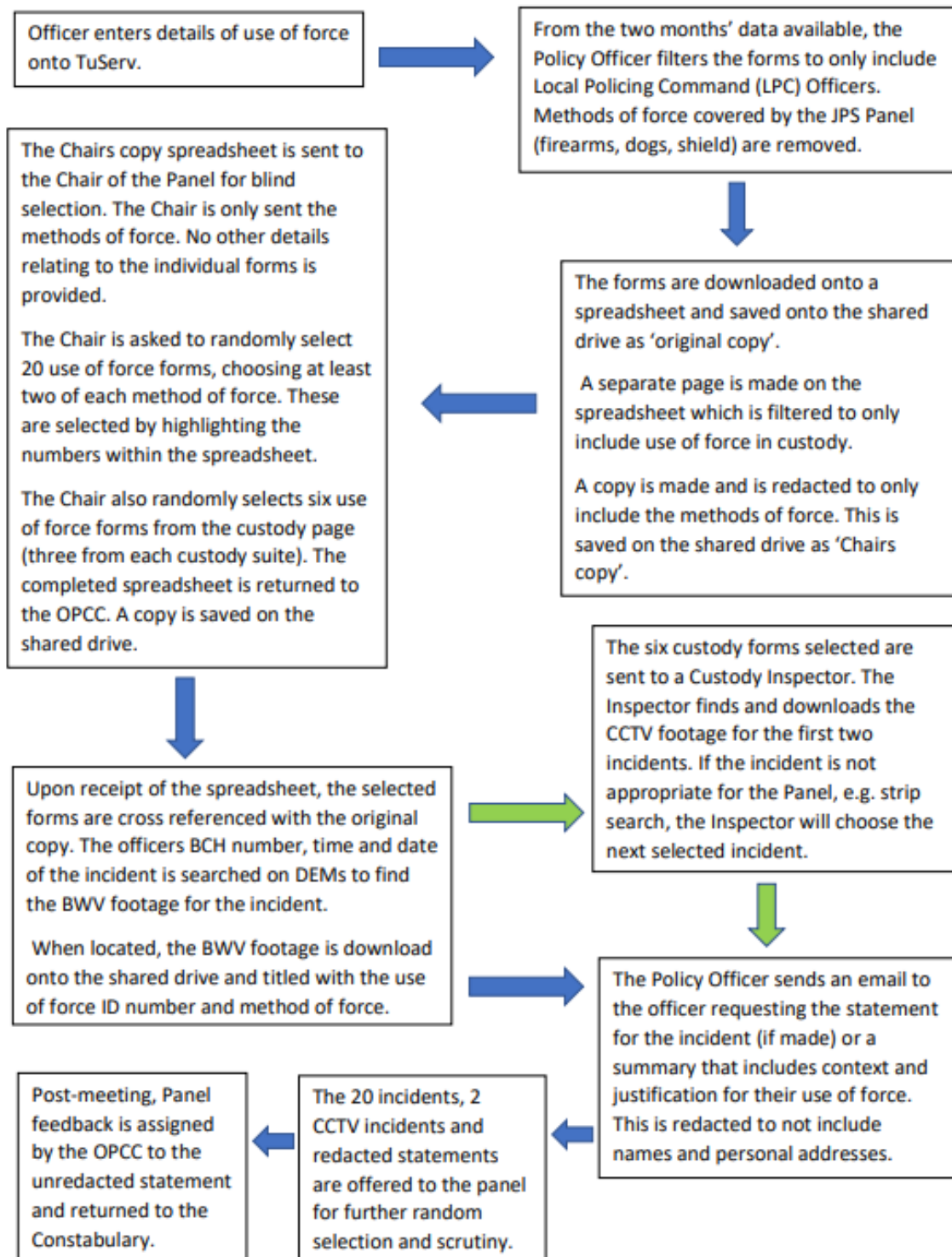
¹² The HSE investigated the circumstances surrounding the death of a police officer in a custody suite in other force from a weapon concealed on a detainee. HSE identified several actions that police forces should take to reassure but not adequate control measures and management arrangements are in place.

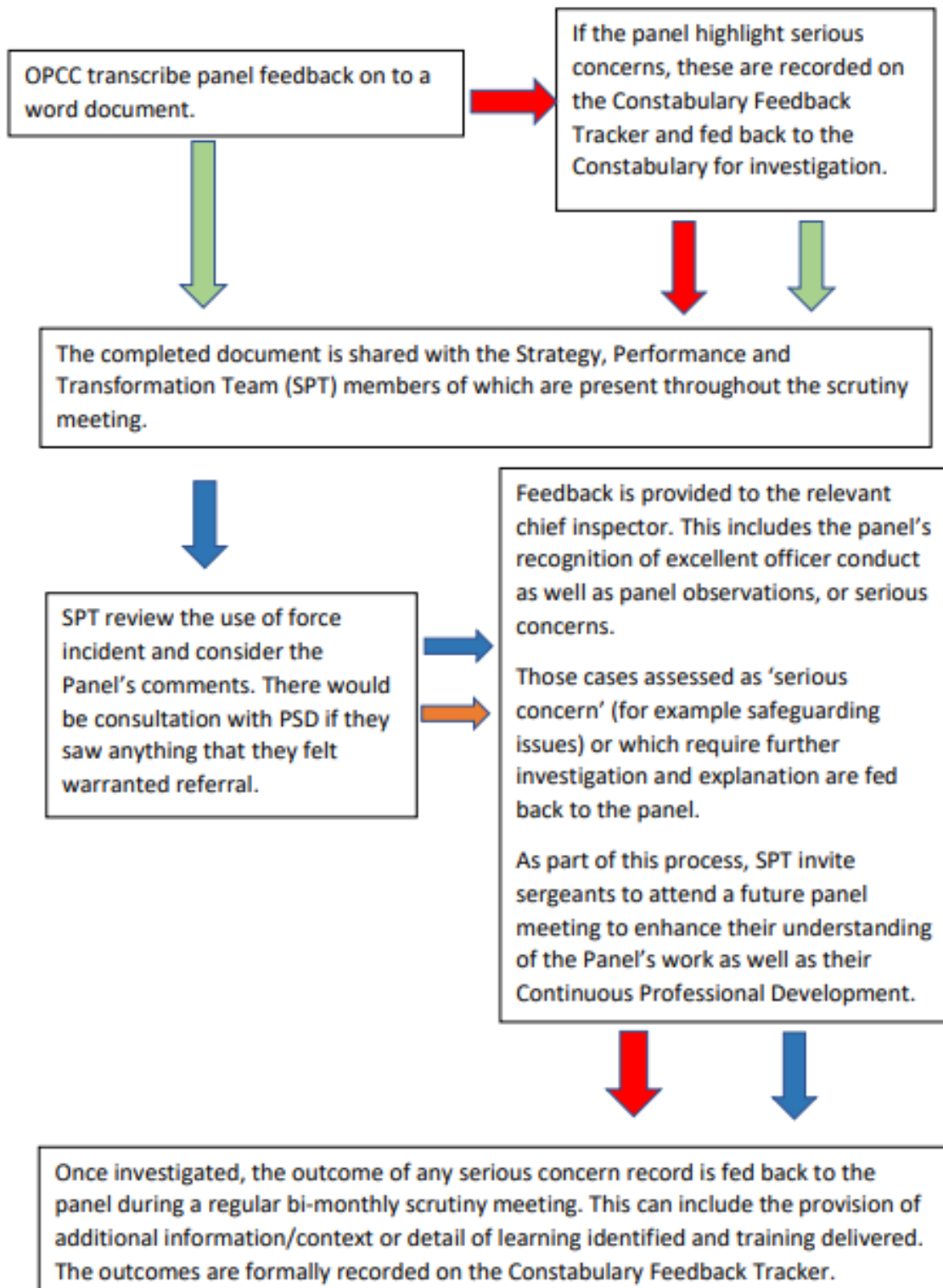
6.	Widen the training offer to members and use a learning management system to digitally deliver, and track and record training, and look for members to renew their core training every two years.	Business as usual. The Panel has expanded its training offer to members this year and offered refresher/renewal training to members at regular opportunities. Further work is required to explore the potential utility of a learning management system.
7.	Continue to explore options to ensure meetings are held efficiently and effectively, to review a minimum of ten use of force incidents at each meeting (60 for the year).	Business as usual. Meetings are structured and managed in a way that maximises time allotted to scrutiny. The Panel reviewed an average of 12 incidents per meeting this year, exceeding its minimum target. The ambition is to further increase the number of incidents scrutinised by the Panel in the coming year.
8.	Continue to review CCTV footage of use of force in custody, and to consider ways to increase the number of incidents that are scrutinised.	Business as usual. Reviewing CCTV custody footage is a standing item of Panel activity. The aim for the coming year is to increase the amount of footage assessed as a proportion of the Panel's wider scrutiny.

Appendix B: Panel RAG Grading System for Use of Force Incidents

<p>Use of Force was necessary and undertaken reasonably and professionally.</p>	<ol style="list-style-type: none"> 1. The correct level for the use of force was applied throughout the encounter and full justification of force appeared in the footage or was given in the record/statement. No part of the encounter requires further clarification. 2. The correct level for the use of force was applied throughout the encounter and full justification of force appeared in the footage or was given in the record/statement. However, there are minor matters that need to be drawn to the officer's attention from the Panel's observations.
<p>We understand why force was used but advice and/or training issues are required.</p>	<ol style="list-style-type: none"> 3. Force used was justified in the footage or in the record/statement but applied for too long or, having chosen the correct level of force, the officer's proficiency in its use and aftercare was lacking. The Panel have minor concerns around verbal communication and behaviour used by the officer. 4. Force was originally justified in the footage or in the record/statement, but the officer escalated the incident to a higher level too quickly and disproportionately. The Panel have concerns around verbal communication and/or poor behaviour used by the officer (for example excessive swearing which escalates the incident).
<p>Use of Force was not necessary nor compliant with PLANTER</p>	<ol style="list-style-type: none"> 5. The level for the use of force does not appear proportionate to the risk faced by the officer and/or the public. 6. The level for the use of force appears significantly greater than that necessary to protect the officer and/or the public and the Panel had additional concerns. 7. The officer appears to use force entirely without justification and did so to injure/punish or in a discriminatory fashion.
<p>Insufficient information provided.</p>	<p>The Panel cannot make an accurate decision and require more information in order to review the footage (e.g., no statement provided, footage is blurred or obstructed).</p> <p>The Constabulary will make inquiries and update the Panel at the next meeting.</p>

Appendix C: Use of Force Scrutiny Panel Feedback Loop





Glossary of Terms

Terms	Acronym (if applicable)	Description
Body Worn Video	BWV	The cameras officers wear to capture both video and audio evidence.
Community Safety Partnership	CSP	Community Safety Partnerships are made up of representatives from the police, Local Authorities, fire and rescue authorities, health, and probation services (the 'responsible authorities'). The responsible authorities work together to protect their local communities from crime and to help people feel safer.
Conducted Energy Devices (TASER®)	CED	<p>A CED is a less lethal weapon system designed to temporarily incapacitate a subject through use of an electrical current that temporarily interferes with the body's neuromuscular system and produces a sensation of intense pain.</p> <p>Conducted energy devices are commonly referred to as Taser. However, police forces should recognise that TASER® is a brand name and registered trademark for one brand of CED.</p>
Custody Suite		Hertfordshire has two custody suites, located in Stevenage and Hatfield. These are where officers process and detain those who have been arrested.
Microsoft PowerBI		Power BI is an interactive data visualisation software product developed by Microsoft with a primary focus on business intelligence.
Office of the Police & Crime Commissioner	OPCC	The Office of the Police and Crime Commissioner helps the Commissioner to discharge their statutory duties and deliver the Police and Crime Plan.
Pelargonic Acid Vanillyl Amide	PAVA	PAVA aerosols are the irritant sprays evaluated and approved for use by the police service.
PLANTER	PLANTER	<p>A scrutiny panel assessment matrix to assess whether force used was proportionate, necessary and reasonable:</p> <p>P - Was the use of force Proportionate for the risk faced by the officer?</p> <p>L - Was the length of time the force used acceptable?</p> <p>A - Do the actions of the member of the public warrant force to be used?</p> <p>N - Was it necessary to use force?</p> <p>T - Was the type of force used appropriate?</p>

		E - Was it ethical to use force in the situation? R - Was it reasonable for the officer to use force?'
Red-Amber-Green Grading System	RAG	Also known as 'traffic lighting,' this rating system is used to summarise indicator values, where green denotes a 'favourable' value, red an 'unfavourable' value and amber a 'neutral' value.
tuServ		tuServ is a mobile policing application used in Hertfordshire and is where officers record use of force.